

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

JEFFREY MORGAN,  
Plaintiff,  
v.  
PITNEY BOWES INC.  
Defendant.

No. CV-06-1725-HU

FINDINGS & RECOMMENDATION

David J. Hollander  
HOLLANDER LEBENBAUM & GANNICOTT  
1500 S.W. First Avenue  
Suite 700  
Portland, Oregon 97201-5860

Attorney for Plaintiff

Carol J. Bernick  
Nicholas A. Kampars  
DAVIS WRIGHT TREMAINE LLP  
1300 S.W. Fifth Avenue  
Suite 2300  
Portland, Oregon 97201-5630

Attorneys for Defendant

HUBEL, Magistrate Judge:

Plaintiff Jeffrey Morgan brings this employment action against defendant Pitney Bowes, Inc. Presently before the Court is defendant's motion to dismiss or alternatively, to compel.

1 - FINDINGS & RECOMMENDATION

1 Defendant's dismissal motion is based on an argument that  
2 plaintiff has failed to timely prosecute his case, has failed to  
3 timely produce discovery, and has failed to comply with Court-  
4 ordered timelines for production of initial disclosures. The  
5 motion is based on Federal Rule of Civil Procedure 41(b).  
6 Alternatively, defendant moves to compel production of responses to  
7 interrogatories served several months ago, and the initial  
8 disclosures.

9 Plaintiff did not respond to the motion. At the time set for  
10 oral argument on the motion, plaintiff's counsel represented to the  
11 Court that his client intended to dismiss the case with prejudice.  
12 Based on this representation, I recommend that the motion to  
13 dismiss be granted for the reasons stated in the motion.

#### 14 CONCLUSION

15 I recommend that defendant's motion to dismiss (#10) be  
16 granted.

#### 17 SCHEDULING ORDER

18 The above Findings and Recommendation will be referred to a  
19 United States District Judge for review. Objections, if any, are  
20 due June 28, 2007. If no objections are filed, review of the  
21 Findings and Recommendation will go under advisement on that date.

22 / / /

23 / / /

24 / / /

25 / / /

26 / / /

27 / / /

28 / / /

1 If objections are filed, a response to the objections is due  
2 July 12, 2007, , and the review of the Findings and Recommendation  
3 will go under advisement on that date.

4 IT IS SO ORDERED.

5 Dated this 13th day of June, 2007.

6  
7 /s/ Dennis James Hubel  
8 \_\_\_\_\_  
9 Dennis James Hubel  
10 United States Magistrate Judge  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28